utilize a lignosulfonate with a degree of sulfonation of at least 2. One would have been motivated to use a lignosulfonate with a degree of sulfonation of at least 2 because Stuart teaches that lignosulfonates within this sulfonation range act as UV protectants on pesticides and therefore protect the pesticide from environmental degradation."

However, the applicant respectfully disagrees with the above stated position. The applicant firmly asserts that no person skilled in the art would be motivated to use lignosulfonates in a granulated pesticidal composition such as that employed in the presently claimed invention. This is so, even in view of the disclosure in Stuart. The applicants assert that the disclosure of Stuart is not germane to the invention recited in the subject application.

The teachings of Stuart relevantly directed to the following:

"A method for improving the ultra-violet light and heat resistance of biological agricultural active comprising reacting said active with an ultra-violet protectant to form a UV protectant-protein complex" (see claim 1).

Based upon the above, a person of ordinary skill in the art would know that the biological agricultural active referred to in Stuart is a kind of protein. Stuart also discloses in the specification the following:

"The objective of this invention, on the other hand, is to react ultra-violet sunscreens, and more specifically sulfonated lignins, sulfonated lignites, and naphthalene sulfonates, and other related compounds, directly with a protein toxin to form a stable complex (emphasis added." (see page 3, line 29 to page 4, line 3 of Stuart)

Indeed, in view of the significantly different direction of Stuart compared to the presently claimed invention, the applicants submit that Stuart constitutes

nonanalogous art (see MPEP 2141.01(a). Thus Stuart is a reference in a field different from that of the present invention and is not reasonably pertinent because it is not one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole. Withdrawal of Stuart is accordingly requested.

Even if Stuart is not withdrawn as being nonanalogous art, the applicants submit that a person of ordinary skill in the art would not be led to combine the teachings of Stuart with those of Suwa et al. and Nakayama et al. There is not teachings, suggested or motivation to combine the teachings of Stuart, Suwa and Nakayama to result in the presently claimed invention. The applicant asserts that the combination of references is not tenable and should accordingly be withdrawn.

If Stuart is combined with Suwa and Nakayama then such combination would not make the presently claimed invention to be obvious. The applicant points out that Stuart clearly states that the UV protection effect is provided by adding UV protectant such as sulfonated lignin to a protein to form a UV protectant-protein complex. In light of such statements in Stuart, the applicant asserts that no person skilled in the art would be motivated to use lignosulfonate, since the granulated pesticidal composition claimed in the subject application does not include any protein as an essential component.

The applicant submits that a person of ordinary skill in the art would know that the lignosulfonate surfactant of the presently claimed invention does not form any complex with protein, or does not provide the UV protection effect referred to in Stuart.

In contrast, the presently claimed invention provides an advantageous effect in dispersibility thereof as indicated in the Rule 132 Declaration filed in this application

on June 27, 2008. However, Stuart does not include any teachings or suggestions regarding dispersibility of the granulated composition.

The applicant respectfully suggests that the reading and application of Stuart is done with a clear hindsight view of the presently claimed invention. Clearly no disclosure exists in Stuart of the concept of the presently claimed invention.

Accordingly, the presently claimed invention is no where disclosed, suggested or made obvious by the teachings of the cited art.

The applicant submits that the above, taken with the Amendment filed April 29, 2008, the Preliminary Submission with Rule 132 Declaration filed June 27, 2008, and the Second Preliminary Submission (with technical reference) filed September 10, 2008, provide compelling evidence and arguments demonstrating the allowability of the presently claimed invention under 35 USC 103(a) in view of the prior art.

Accordingly, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

MANELLI DENISON & SELTER, PLLC

By Paul E. White, Jr.

Paul E. White, Jr.
Reg. No. 32,011
Tel. No.: (202) 261-1050
Fax No.: (202) 887-0336

2000 M Street, N.W.
Seventh Floor
Washington, D.C. 20036-3307
(202) 261-1000